

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

BENNIE COVINGTON,

Plaintiff,

CIVIL CASE NO. 06-14504

v.

TROTT & TROTT, P.C.,

HONORABLE PAUL V. GADOLA
U.S. DISTRICT COURT

Defendant.
_____ /

ORDER GRANTING DEFENDANT’S UNOPPOSED MOTION TO DISMISS

Before the Court is Defendant’s motion to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6), filed on the Court’s docket on December 1, 2006. The proof of service for Defendant’s motion indicates that Defendant mailed a copy of the motion to dismiss to Plaintiff on November 30, 2006. Plaintiff has not filed a response opposing the motion. Local Rule 7.1(b) for the Eastern District of Michigan requires that a “respondent opposing a motion **must** file a response, including a brief and supporting documents then available.” E.D. Mich. Local R. 7.1(b) (emphasis added). Local Rule 7.1(d)(1)(B) requires that responses to dispositive motions are due within twenty-one (21) days of service of the motion. E.D. Mich. Local R. 7.1(d)(1)(B). Accordingly, the response to the motion to dismiss was due at least by January 3, 2007. *See* Fed. R. Civ. P. 6(e). To date, no response has been filed. Thus, the motion is unopposed.

In support of the motion to dismiss, Defendant argues that Plaintiff has failed to state a claim upon which relief can be granted. In particular, Defendant argues that Plaintiff cannot establish that Defendant violated Plaintiff’s Land Patent Rights; that Plaintiff has failed to allege sufficient facts to sustain a claim for violations of the Fair Debt Collections Practices Act, 15 U.S.C. § 1692; and

that Plaintiff's claim under the Truth in Lending Act, 15 U.S.C. § 1601, fails because Defendant is not a creditor as defined by the Act. Having reviewed Defendant's motion, the Court finds that Plaintiff has failed to state a cause of action upon which relief can be granted. Accordingly, the Court will grant Defendant's motion to dismiss for the reasons stated in Defendant's brief.

ACCORDINGLY, IT IS HEREBY ORDERED that Defendant's motion to dismiss [docket entry 2] is **GRANTED** and this action, Civil Case No. 06-14504, is **DISMISSED WITH PREJUDICE**.

SO ORDERED.

Dated: February 6, 2007

s/Paul V. Gadola
HONORABLE PAUL V. GADOLA
UNITED STATES DISTRICT JUDGE

Certificate of Service

I hereby certify that on February 6, 2007, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the following:

_____ ,
and I hereby certify that I have mailed by United States Postal Service the paper to the following non-ECF participants: Bennie Covington; Steven A. Jacobs.

s/Ruth A. Brissaud
Ruth A. Brissaud, Case Manager
(810) 341-7845